

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CRAIG B. and ANNAMARIE PRESTON,

Plaintiffs,

V.

Civil Action No. 3:12-CV-2395-L

SETERUS, INC., FANNIE MAE (FEDERAL NATIONAL MORTGAGE ASSOCIATION); MCCARTHY, HOLTHUS & ACKERMAN, LLP; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.; MERCORP, INC.; and CTX MORTGAGE COMPANY, LLC,

Defendants.

ORDER

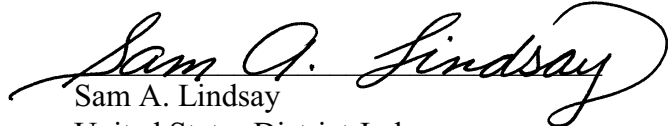
On March 15, 2013, the court ordered Plaintiffs to file an amended complaint by April 5, 2013, that addresses the deficiencies noted in the court’s memorandum opinion and order. Specifically, the court directed Plaintiffs “to file an amended complaint that corrects the deficiencies noted herein regarding their declaratory judgment action and claims based on alleged fraudulent misrepresentations and fraudulent inducement.” Doc. 21 at 43. The court also directed Plaintiffs to file an amended complaint that addressed their contention that:

the assignment to Fannie Mae was invalid, as well as their contention that Defendants or Fannie Mae did not have authority to make assignments or foreclose on the Property because the assignments were made without the requisite corporate resolutions, conducted in contravention Texas law, or made by MERS after the assignment to a nonMERS member.

Id. Plaintiffs did not file an amended pleading as directed, and they have not sought leave to extend

the deadline to amend their pleadings. Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, the court therefore **dismisses with prejudice** Plaintiff's declaratory judgment action, as well as Plaintiff's Civil Practice and Remedies Code, slander, and quiet title claims, which are based on their contention that Defendants lacked authority to make assignments or foreclose on the property at issue under the Deed of Trust. Accordingly, the only claims that remain are Plaintiff's claims under the Residential Settlement and Procedures Act (as to all Defendants) and the Federal Debt Collection Practices Act (as to all Defendants except CTX).

It is so ordered this 9th day of April, 2013.


Sam A. Lindsay
United States District Judge